

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**SHELLY SMITH,**

**Plaintiff,**

**v.**

**COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION,**

**Defendant.**

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**CASE NO. 6:15-CV-00904-RC-JDL**

**ORDER ADOPTING REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On October 16, 2015, Plaintiff initiated this civil action pursuant to Social Security Act, Section 205(g) for judicial review of the Commissioner’s denial of Plaintiff’s application for Social Security benefits. Doc. No. 1. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On February 3, 2017, the Magistrate Judge issued a Report and Recommendation confirming that the decision of the Commissioner should be affirmed and the action be dismissed with prejudice. Doc. No. 19 (“R&R”). Plaintiff has filed objections to the Report and Recommendation. Doc. No. 20 (“Obj.”).

Plaintiff objects that the Magistrate Judge “erred in finding that the ALJ correctly applied the applicable legal standards in assessing Ms. Smith’s credibility [], residual functional capacity (“RFC”) [], and ability to perform work [], and in finding that substantial evidence supports those assessments [].” Obj. at 1. Plaintiff then recites the standards for federal court review of an ALJ’s decision. *Id.* at 1–2. Plaintiff, however, does not discuss the Magistrate Judge’s findings in relevant detail in the substance of her objections. *See generally* Obj. Nor does

Plaintiff provide any specific arguments explaining how the Magistrate Judge erred in his findings. *Id.*

Regardless, Plaintiff's general objections are unavailing. The Magistrate Judge thoroughly reviewed the ALJ's credibility assessment and found that the ALJ properly considered all the relevant factors, including the objective medical evidence, and Plaintiff's description of her activities of daily living, in rendering his credibility findings. R&R at 6–11. Therefore, the Magistrate Judge did not err in finding the ALJ's credibility findings to be supported by substantial evidence.

Likewise, the Magistrate Judge properly found that the ALJ's RFC finding is supported by substantial evidence. *Id.* at 10–12. The Magistrate Judge noted that the ALJ appropriately weighed the evidence and incorporated limitations into the RFC assessment that were more supported by the record. *Id.* at 11. Finally, the Magistrate Judge concluded that the ALJ properly relied on the testimony of a vocational expert and found that Plaintiff is capable of performing other work that exist in significant numbers in the national economy. *Id.* at 12–13. The Court finds no error in the Magistrate Judge's findings.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly **ORDERED** that the decision of the Commissioner is **AFFIRMED** and the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this 14 day of **March, 2017**.



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Ron Clark, United States District Judge